

EDMONDS CITY COUNCIL APPROVED MINUTES

January 19, 2016

The Edmonds City Council meeting was called to order at 6:45 p.m. by Mayor Earling in the Council Chambers, 250 5th Avenue North, Edmonds.

ELECTED OFFICIALS PRESENT

Dave Earling, Mayor
Kristiana Johnson, Council President
Michael Nelson, Councilmember
Adrienne Fraley-Monillas, Councilmember
Diane Buckshnis, Councilmember
Dave Teitzel, Councilmember
Thomas Mesaros, Councilmember
Neil Tibbott, Councilmember

STAFF PRESENT

Jim Lawless, Assistant Police Chief
T. Dreyer, Police Officer
Scott James, Finance Director
Shane Hope, Development Services Director
Rob English, City Engineer
Kernen Lien, Senior Planner
Jeff Taraday, City Attorney
Scott Passey, City Clerk
Jerrie Bevington, Camera Operator
Jeannie Dines, Recorder

1. MEET WITH ARCHITECTURAL DESIGN BOARD CANDIDATE LAURI STRAUSS FOR CONFIRMATION TO THE ADB

At 6:45 p.m., the City Council met with Lauri Strauss, a candidate for confirmation to the ADB. The meeting took place in the Jury Meeting Room, located in the Public Safety Complex. All elected officials were present.

Mayor Earling reconvened the regular City Council meeting at 7:02 p.m. and led the flag salute.

2. ROLL CALL

City Clerk Scott Passey called the roll. All elected officials were present.

3. APPROVAL OF AGENDA

COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO APPROVE THE AGENDA IN CONTENT AND ORDER. MOTION CARRIED UNANIMOUSLY.

4. APPROVAL OF CONSENT AGENDA ITEMS

COUNCILMEMBER MESAROS MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO APPROVE THE CONSENT AGENDA. MOTION CARRIED UNANIMOUSLY. The agenda items approved are as follows:

- A. APPROVAL OF DRAFT CITY COUNCIL MEETING MINUTES OF JANUARY 12, 2016**
- B. APPROVAL OF CLAIM CHECKS #218029 THROUGH #218192 DATED JANUARY 14, 2016 FOR \$3,011,375.81. APPROVAL OF CLOTHING ALLOWANCE CHECKS #62027**

THROUGH #62037 DATED JANUARY 13, 2016 FOR LAW ENFORCEMENT COMMISSIONED EMPLOYEES IN THE AMOUNT OF \$3,447.78 PER UNION CONTRACT

- C. SURPLUS COMPUTER EQUIPMENT**
- D. ACKNOWLEDGE RECEIPT OF A CLAIM FOR DAMAGES FROM NORMAN STEINMAN (AMOUNT UNDETERMINED)**
- E. CONFIRMATION OF LAURI STRAUSS TO THE ARCHITECTURAL DESIGN BOARD**
- F. SENIOR CONSTRUCTION INSPECTOR, IS MANAGER & ACCOUNTING MANAGER JOB DESCRIPTIONS**
- G. COUNCIL/COURT A/V UPGRADES CONTRACT**
- H. AUTHORIZATION FOR MAYOR TO SIGN 2015-2017 COORDINATED PREVENTION GRANT AGREEMENT WITH DEPARTMENT OF ECOLOGY**
- I. AUTHORIZATION FOR MAYOR TO SIGN A PROFESSIONAL SERVICES AGREEMENT WITH LOUIS BERGER GROUP FOR DESIGN OF THE DAYTON STREET STORMWATER PUMP STATION**
- J. AUTHORIZATION FOR MAYOR TO SIGN A SEWER EASEMENT FOR AN EXISTING SEWER MAIN**
- K. AUTHORIZATION FOR MAYOR TO SIGN THE SECOND AMENDMENT TO THE INTERLOCAL AGREEMENT WITH THE LAKE BALLINGER/MCALEER CREEK WATERSHED FORUM**
- L. AUTHORIZATION FOR MAYOR TO SIGN AND ACCEPT RIGHT OF WAY DOCUMENTS FROM EDMONDS SCHOOL DISTRICT FOR THE MADRONA WALKWAY PROJECT**
- M. AUTHORIZATION FOR MAYOR TO SIGN THE TIB FUEL TAX GRANT DISTRIBUTION AGREEMENT FOR THE 238TH ST. SW WALKWAY FROM HIGHWAY 99 TO SR-104**

5. AUDIENCE COMMENTS

Farrell Fleming, Executive Director, Edmonds Senior Center, urged the Council's prompt consideration of updating the Critical Areas Ordinance (CAO). The Senior Center is underway with design of a new community facility to serve all generations which was supported by Council Resolution 1313 on March 8, 2014 and reinforced by the signing of an Option to Lease contract on January 30, 2015. Their architect, Environmental Works, is near completion of conceptual design which will deliver drawings to confirm program and layout of the facility, site and shoreline restoration. Timely achievement of this conceptual design stage, currently on track for the end of January, is important to enable the follow-on work of Council and public reviews, fundraising, continuation of the design process and permitting. When Council considered the CAO on December 15, 2015, a number of amendments were made. An amendment to ECDC 21.40.030 regarding from where building height is measured has the net effect of reducing the height of the building by two feet. It is particularly important to both the Senior Center and the City that this amendment with respect to new FEMA floodplain designations not be included in the final CAO. It is also critically important for the program and functional design of the facility that current maximum building height of 30 feet be measured from a minimum elevation of 14.0 which is the FEMA recommendation. He urged the Council to review a series of graphics prepared by

Environmental Works demonstrating the design challenges associated with this code amendment. Their project architect, Roger Tucker, will present this graphic material when the Council considers the CAO.

Alan Mearns, Edmonds, a resident at the corner of Sierra and near Maplewood, referred to Item 7A, advising he has been keeping track of cars parked on Sierra and now has 61 days of documentation of the continuous presence of 5-7 cars parked on the street. His data outlines how the cars are moved around every 3-5 days and shows one car in place for 21 days.

Scott Blomenkamp, Edmonds, referred to an email to the Council suggesting they start the year off correctly. Tonight the Council will consider approval of the Hearing Examiner's contract. He pointed out citizens are required to follow all laws and the Hearing Examiner's contract states he will follow all state, county and city laws and ordinances. The Hearing Examiner's contract also states he will provide an annual written and oral report; this was not done in 2014 and only partially done in 2013. He summarized the Hearing Examiner addresses a handful of issues per year, but they are very impactful to the community and should not be rushed. Next, he referred to the City Attorney's report last week and his reference to the word shall. He cited language that the City Attorney shall attend every municipal court hearing, which he asserted was not being done. He found it curious citizens were required to follow the code but those in power were not.

Roger Hertrich, Edmonds, commented the runoff off from hard surfaces is a serious problem. The CAO addresses parking areas and uses gravel as an example of how water percolates through the gravel into the ground. Runoff from hard surface area that is angled away from the street never enters the storm drains and stays on the property; therefore gravel or a hard surface actually helps the environment. He commented on restrictions because something doesn't look good, reiterating the use of gravel did not harm the environment. He explained 500 feet either way from an 80-100 foot wide city lot covered a number of properties. He expressed concern with parking a vehicle 1,000 feet away, stating that is a long way and is an invented distance.

6. PUBLIC HEARING

A. PUBLIC HEARING AND DISCUSSION ON ORDINANCE TO AMEND REGULATIONS FOR PARKING AND MOTOR VEHICLE REPAIR IN RESIDENTIAL ZONES

Development Services Director Shane Hope explained this is a public hearing on the zoning regulation; the other issue regarding rights-of-way does not require a public hearing but they are being considered in tandem because they are related. With regard to the zoning ordinance, she explained this is based on various issues that have arisen over the years although there are some immediate issues. One of issues with regard to residential lots is the number vehicles in the front yard. The current regulation allows not more than five vehicles in the yard including those in the garage and not counting what is screened in the backyard. There have also been issues with regard to whether the front yards in single family neighborhoods should have numerous parked vehicles and look like a parking lot as well as the issue of debris tracking onto the street from vehicles parked on non-prepared surfaces such as dirt, grass and gravels. There are also issues related to the impacts of parking surface; impervious surfaces create runoff into the street, stormwater system as well as adjacent properties.

The intent of the proposed regulation is to provide limits on the number of vehicles parked in the front yard, exclude vehicle parked in garages or carports and limit the amount of the front yard used for parking so that it is not a dominant feature of front yard. The regulations also address auto repair; auto repair in single family neighborhoods is very restricted although residents can service their own cars or cars belonging to friends or family. However auto repair as a business is not allowed in single family neighborhoods. Staff is often called to investigate a situation that appears to be a business which may

include contacting state agencies. The problem is situations where a lot of repair is occurring but no apparent business, particularly if the work occurs in the late evening or early morning hours.

Assistant Police Chief Jim Lawless explained the Police Department and Development Services have been working on this issue in tandem. The proposed ordinance amends an existing ordinance related to the 72 hour limit for parking vehicles on the roadway, adding language limiting it to two vehicles registered to a particular dwelling unit, not including guests or visiting family members, parked within 1,000 feet of the dwelling unit. It is intended to address problem areas, discourage parking of multiple vehicles in the roadway for an extended period and would be enforced via complaint. The two vehicles would be in addition to the four vehicles that would be allowed by the ordinance proposed by Ms. Hope. For example, a house with a three-car garage could have three cars in the garage, four in the driveway and two on the street for a total of up to nine vehicles. He advised this issue is not isolated to the one problem that has been in the forefront of late; there have been numerous other issues in other parts of the City particularly neighborhoods off 76th. This issue may arise with someone who is operating a car hobby/business but there are also problem houses which are abandoned, drug areas, etc. The ordinances provide another tool to put pressure on a situation where otherwise staff may not be able to.

Councilmember Nelson asked how far 1,000 feet is in practice. ACOP Lawless said in downtown Edmonds it is an average of two city blocks.

Councilmember Nelson referred to the storage of parts and the requirement that it be within an enclosed structure or screened from public view and asked if a tarp was adequate to screen from public view. Ms. Hope answered the existing language in the code related to screened from public view includes landscaping, fencing, etc.; a tarp would not be sufficient.

Councilmember Fraley-Monillas relayed a call she received this afternoon about recreational vehicles such as motorhomes, boats, trailers, jet skis, etc. Ms. Hope answered recreational vehicles are addressed in a separate section and are not included in the number of vehicles. Councilmember Fraley-Monillas commented someone could potentially have a motorhome and four cars parked in their driveway. Ms. Hope agreed that was theoretically possible. That may be something the Council wants to consider in the future; the proposed ordinances are focused on motor vehicles.

Councilmember Buckshnis referred to Mr. Mearns' spreadsheet, noting some cars are parked over 72 hours and she asked how the regulations will be enforced if they are not currently being enforced. ACOP Lawless answered the existing 72 hour ordinance has been enforced although it does not limit the number of vehicles. Parking enforcement officers utilize techniques to track whether a vehicle has been moved, although some people are savvy of those techniques. Citations have been issued but cases are continually dismissed even though the officer has issued a sworn statement on a citation. The officer is not required to attend court for every citation which would be very cost prohibitive and their sworn statement on the citation is read in as testimony. Apparently in court the person's defense has carried more weight than the sworn statement.

Councilmember Buckshnis asked whether cars that cannot be moved or cars parked with the hood open all day could be considered a nuisance. Ms. Hope answered there are some cases where they can be considered a nuisance but if they are operable, licensed, and not obviously junk, they are not considered a nuisance under the current code.

Councilmember Teitzel observed since enforcement citations have been issued in the case of the Maplewood residents and been dismissed, could the resident claim he has nonconforming use and be permitted to park his cars under existing code. For example, has the judge found what he doing is not illegal and he should be grandfathered under the old code. City Attorney Jeff Taraday said he did not

think so because the citation would not have anything to do with land use entitlement. A nonconforming use is related to what someone is allowed to do with their property. The standard for determining whether a nonconforming use exists is whether that use pre-existed any land use code that conflicted with it and whether it has continued without abandonment during that time. The current code allows a property owner to continue a legal nonconforming use. A ruling from the Municipal Court Judge would not have any impact on staff's determination whether a use is a nonconforming use.

Councilmember Teitzel asked whether Mr. Taraday believed the revised code was more enforceable than the existing code. Mr. Taraday answered yes, the ordinances Patricia Taraday in his office and staff developed will work better than the current regulations.

Councilmember Fraley-Monillas asked whether there had been any discussions with the court to determine why the citations were being dismissed. ACOP Lawless answered yes but it is a delicate line with regard to how much staff can question the judge as there are two separate branches of government. Staff has sought input and meetings are scheduled later this month to gain further insight. The issue is whether whoever hears the case believes there is intent, believes the person did/did not commit the offense; there are myriad factors that come into play. Councilmember Fraley-Monillas suggested asking the judge on what basis the citations are being dismissed. She noted there have been two judges in the recent past, but according to the neighbors, this has been a long standing issue. ACOP Lawless answered the conviction rate has been discernably different. Mayor Earling advised a meeting is scheduled with the judge on a different issue later this week; he will raise this question.

Councilmember Buckshnis referred to a picture of a truck and auction cars that are not operable, asking whether could be considered a nuisance. Ms. Hope said she had not seen the pictures but both the Police Department and the Development Department/Code Enforcement have visited the site dozens of times and have never found a situation that met the definition of a nuisance. If they did, it would have been cited.

Councilmember Nelson was hopeful if the Council passed this ordinance, the intent would be clear to the people making these decisions.

Council President Johnson asked the number cars currently allowed on a property in all yards. Ms. Hope answered five, not including those appropriately screened in the rear yard. The five appears to include vehicles in the garage although those vehicles may not be visible. The proposed ordinance would allow four in the front yard.

Council President Johnson referred to language in Section 17.60.040.D.1 that states up to four vehicles may be parked in the front yard provided the vehicle is on a driveway or other improved parking surface. The definition of parking surface is a permanent hard surface including concrete, asphalt or pavers whether pervious or impervious. She observed this was appropriate for new development, however, Edmonds is an older city and many buildings were constructed before there were impervious streets. For example, her neighborhood used to have dirt streets and many driveways are dirt and there are no parking pads. After 50-60 years of use, the dirt is pretty compact and she doubted there would be runoff problems. She expressed concern this was more stringent and would have an unintended consequence for the owner of those homes to meet the standards. Ms. Hope recalled this was discussed by the Planning Board. She agreed the first intent was to address new development. Second, if there are complaints, the regulations could be applied. She assured staff did not intend to begin inspecting parking surfaces.

Council President Johnson asked staff to summarize the Planning Board discussions, recalling there were two meetings including a public hearing but that information was not in the packet. Ms. Hope advised there were two meetings, October 28, 2015 and November 18, 2015. The Planning Board wanted to be

fair, understand the implications and raised many of the same issues Councilmembers raised tonight and at the last meeting. The Planning Board, as well as the Council, did not want to overly regulate citizens with limited means which was one of the reasons carport was included and not just an enclosed garage. The Planning Board also discussed stormwater and the ability to wash a car on grass. She explained the ordinance addresses parking over a 24 hour period and does not affect the ability to wash a car on a lawn. Following the public hearing, the Planning Board recommended the City Council adopt the ordinance. Council President Johnson requested in future that information be included in the Council packet.

Mayor Earling opened the public participation portion of the public hearing.

Roger Hertrich, Edmonds, commented he was not opposed to the efforts of a neighborhood to solve a problem but he wondered if this was an effort to beautify front yards or solve an excess parking problem. He lives on an arterial where there is no street parking and there are many lots in the City that do not have any on-street parking, have a small front yards, and have a number of vehicles. He feared reducing the number of vehicles parked in the front yard from 5 to 4 did not solve problem of excess parking on the street and in fact made it worse and necessitated the 1,000 foot rule. He suggested the Council not make a decision tonight and consider the restrictions necessary to solve the existing problem. He expressed concern the City does not enforce the existing codes.

Scott Blomenkamp, Edmonds, recognized the Council for asking good questions, relaying he wondered last week why no one questioned why citations are dismissed by the court. He noted if the City Attorney was doing as the code required, he would be there. To clarify Councilmember Teitzel's question, two ordinances are proposed, one is related to zoning which does raise the issue of nonconforming. Reducing the number of vehicles from five to four has been adjudicated through the appellate courts in Washington, *Johnson v. Seattle*.

Brent Tugby, Edmond, expressed his opposition to regulating the hours during which a person may work on their car outdoors. He noted some people have the knowledge and mechanical ability to do their own work, sometimes working on their vehicles outside the hours of 8:00 a.m. and 10:00 p.m. in order to drive to work the next day. He did not see a problem as long as the person was not making noise. He also pointed out it was safer to do some work outside to reduce the danger of fire or carbon monoxide poisoning inside a garage. A person working outside at night may also see or hear something and report it to the police or fire department. Noise ordinances address noise after 10:00 p.m.; many car repairs can be made without noise. Observing the City has many different cultures, lifestyles and occupations, he urged the Council not to over regulate Edmonds.

Hearing no further comment, Mayor Earling closed the public participation portion of the public hearing.

Councilmember Fraley-Monillas referred to Mr. Tugby's reference to restricting work to the hours of 8:00 a.m. and 10:00 p.m., recalling the code provides for a quieter environment after 10:00 p.m. She asked why 8:00 a.m. was selected rather than 6:00 a.m. Ms. Hope answered it was chosen to be similar to other sections of the code although she recalled 7:00 a.m. in some areas of the code. Those hours also recognize the typical hours people expect quiet. Most complaints are in regard to nighttime hours and early morning hours.

Councilmember Fraley-Monillas observed if a person was quietly working on their car at 6:00 a.m. or at midnight, there would be no enforcement unless there was a complaint. Ms. Hope agreed someone doing quiet work was unlikely to be a problem for neighbors. Councilmember Fraley-Monillas commented person in her neighborhood works on their car 10:00, 11:00 p.m., but she never heard anything other than a light under their hood.

Councilmember Mesaros recalled before he moved to a condominium, he lived in an Edmonds neighborhood for 17 years. One neighbor who worked on his car would occasionally inform the neighbors if he needed to work on it later in the evening in order to drive to work the next day. Because it was an occasional emergency it was not a problem; if that occurred 10 nights in a row, there may have been more discussion by the neighborhood. He recognized enforcement is complaint driven and sometimes a neighborhood can take care of things on its own without the City interfering.

Councilmember Tibbott observed both codes are more enforceable than the previous codes and are a good example of the need for specificity; enforcement of vehicles visible in the front yard is easier than including vehicles in the garage. The regulations are reasonable and he supported the Council moving forward with adoption and see how it works over 1-2 years and make adjustments if necessary. He recognized enforcement of the ordinance was complaint driven.

COUNCILMEMBER FRALEY-MONILLAS MOVED, SECONDED BY COUNCIL PRESIDENT JOHNSON, TO DIRECT THE CITY ATTORNEY TO PREPARE AN ORDINANCE FOR APPROVAL ON NEXT WEEK'S CONSENT AGENDA.

Councilmember Fraley-Monillas expressed interest in have more time to consider the ordinance and input from citizens.

COUNCILMEMBER BUCKSHNIS MOVED, COUNCILMEMBER TEITZEL, TO AMEND TO REMOVE ITEM 3," SUCH WORK SHALL BE DONE ONLY BETWEEN THE HOURS OF 8:00 A.M. AND 10:00 P.M.

Councilmember Fraley-Monillas asked the impact of the amendment. ACOP Lawless said it would impact another opportunity for code enforcement to address a habitual situation where someone is working on a car outside those hours. The existing noise ordinance addresses noise from myriad issues, not just cars but other issues created by working on a car outside such as light, etc. Ms. Hope said removing the specific hours does not tell people in a neighborhood what they can expect; including the hours in the ordinance makes it very clear. Some other ordinances require three neighbors to complain. The intent was to create clear, sensible rules that are enforceable on a complaint basis.

Councilmember Fraley-Monillas asked whether three complaints would be required if this language were removed. Ms. Hope offered to provide more information on that issue prior to the next Council meeting. She recalled that was one way of addressing a noise issue. The noise ordinance requires more bureaucracy paperwork versus clear guidance about the allowed hours. ACOP Lawless commented it is similar to animal control which requires sworn statements from three neighbors who are willing come forward. Some people do not want to do that and prefer to make an anonymous report about someone violating the law.

Councilmember Buckshnis said she was not aware three complaints were required for a noise complaint. She recalled one person complaining about garbage trucks and construction and the issue went away. ACOP Lawless said that was an example of voluntary compliance. Some of areas of the noise ordinance are decibel specific, others require a warning, a second visit etc.

COUNCILMEMBER BUCKSHNIS WITHDREW HER AMENDMENT WITH THE AGREEMENT OF THE SECOND.

COUNCIL PRESIDENT JOHNSON MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO AMEND TO DELETE THE LANGUAGE IN 17.60.040.D.1 "PROVIDED THAT THE VEHICLE IS ON A DRIVEWAY OR OTHER IMPROVED PARKING SURFACE."

Council President Johnson commented there are many citizens whose dirt or gravel driveways have been in existence for 50+ years and she did not anticipate the concern with runoff would apply to those. She did not want to solve stormwater draining problems with parking regulation, recalling a citizen made a similar comment.

Councilmember Fraley-Monillas asked the impact of the amendment. Ms. Hope explained the limitation on four vehicles in the front yard would still apply but they would not be required to be parked on an improved surface. She noted this would also apply to new development, vehicles could be parked on gravel, dirt, grass, etc. Councilmember Fraley-Monillas asked if that would be problematic. Ms. Hope answered it could be a problem in some places, gravel driveways in some places are not a problem. Enforcement is complaint driven but this would also apply to new development. She preferred to retain that language but it was acceptable either way. Eliminating that language does narrow the available tools; for example if someone complained about a muddy yard with several vehicles, that would not be enforceable without this language. Most complaints are about the number of vehicles, seldom about the parking surface unless it is truly egregious.

Mr. Taraday commented it may be necessary to change other language in the paragraph; the following sentence states the improved surface shall not exceed 50% which may not make sense without the language regarding improved parking surface. Ms. Hope commented it could as the intent would still be to limit the amount of impervious surface in the front yard.

Council President Johnson commented there is a difference between the requirements for new development and what applies to existing development. Mr. Taraday said existing development is already entitled to some protection under the nonconforming use provisions of the code. To the extent the provisions apply to new development, these would not apply retroactive in such a way as to force people to pave currently unpaved driveways.

COUNCIL PRESIDENT JOHNSON WITHDREW HER MOTION WITH AGREEMENT OF THE SECOND.

UPON ROLL CALL, MAIN MOTION CARRIED (5-2), COUNCIL PRESIDENT JOHNSON AND COUNCILMEMBERS NELSON, FRALEY-MONILLAS, BUCKSHNIS, AND TIBBOTT VOTING YES; AND COUNCILMEMBERS MESAROS AND TEITZEL VOTING NO.

Councilmember Mesaros explained he voted no because he wanted to pass it tonight as there was no reason to delay.

Councilmember Teitzel said he voted no because the Council has sufficient information to move ahead tonight and there was nothing to be gained by a delay.

Councilmember Fraley-Monillas appreciated the Council giving her an opportunity to consider the issue based on comments received at the public hearing.

Council President Johnson recalled Council discussion last year regarding the desire for a pause between the public hearing and the Council's final action so that the Council could carefully consider the public's comments. That has been the Council's standard practice and although it may not seem as important for something as simple as this, it may when considering more complex issues.

Mayor Earling declared a brief recess.

7. ACTION ITEMS

**A. CONSIDERATION AND POTENTIAL ACTION ON PROPOSED UPDATE TO ECC 8.50
RELATING TO PARKING ON PUBLIC RIGHT-OF-WAY**

Assistant Police Chief Jim Lawless explained this is a continuation of the topics discussed in the previous agenda item. As they were presented as a package, he assumed the Council wanted this scheduled for approval on next week's Consent Agenda.

It was the consensus of the Council to schedule this for approval on next week's Consent Agenda.

**B. AMENDMENT TO, AND REAUTHORIZATION OF, NORTH SOUND METRO SWAT
INTERLOCAL AGREEMENT**

Assistant Police Chief Jim Lawless identified a typo in the agenda memo: April 21, 2016 should be April 21, 2015. The amendment to the ILA is necessary to allow the City of Redmond to join the consolidated SWAT team. The only other substantive change is to change the makeup of the board of directors and what constitutes a quorum, increasing it from five to six.

Councilmember Nelson commented if anymore eastside cities join, the name will need to be changed to North Eastside Sound Metro SWAT.

Councilmember Teitzel asked how many incidents in Edmonds in the last year required a SWAT response. ACOP Lawless answered one in Edmonds, nine throughout the entire region.

Councilmember Buckshnis requested a report in the future about how the team is working out.

Councilmember Tibbott observed the agreement includes several stipulations and verbiage related to liabilities and litigation. He asked what liabilities the City or region faces related to the SWAT team's actions. ACOP Lawless answered no more under this agreement than the previous agreement. He explained a south Snohomish County SWAT team began in the early 80s comprised of officers from Mountlake Terrace, Lynnwood and Edmonds. As economic times got tougher as well as changing demographics in the departments, it was difficult to field a team to meet national safety standards. The economies of scale from this regional organization are immense. The liability is the same as any other use of force encounter and is not more elevated than an officer routinely performing their duties on the street related to employing force. He acknowledged there are usually more officers on scene in a SWAT situation and more options for force encounters but as a benefit the SWAT team also provides a hostage negotiation team. All those resources are increasing and improving via this ILA.

Councilmember Tibbott expressed concern with the amount of exposure. ACOP Lawless said with the exception of one city, all the others are insured by WCIA and WCIA is on board with this.

**COUNCILMEMBER MESAROS MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS,
TO APPROVE THE AMENDMENT TO THE INTERLOCAL AGREEMENT. MOTION
CARRIED UNANIMOUSLY.**

C. CONFIRMATION OF HEARING EXAMINER APPOINTMENT

Development Services Director Hope explained the Hearing Examiner addresses certain issues identified in the code particularly related to planning, zoning and land use. The Hearing Examiner contract expired; the existing Hearing Examiner continues to serve in that capacity. The intent is to have a new 4-year contract in place that meets the terms in the code as approved by City Council.

She explained the City advertised for the position; due to limited response, it was advertised again. A total of three responses were received. Of those, two had never been a Hearing Examiner for city anywhere near Edmonds' size and the existing Hearing Examiner had the best qualifications. Mayor Earling selected the existing Hearing Examiner, Phil Olbrechts and Associates, to continue as the City's Hearing Examiner. The new contract specifically identifies requirements in the code such as reporting to the Council in December. The professional services agreement contains the same dollar limit. This type of agreement previously came from Human Resources; because this professional primarily deals with Development Services, Development Services is bringing it to the Council after conferring with the City Attorney. She recommended the City Council confirm Mayor Earling's appointment.

Councilmember Buckshnis said she had no problem with Mr. Olbrechts. She recalled when she asked him why he did not provide a report in 2014, he said there were only 3-4 cases regarding trees.

COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER MESAROS, TO APPROVE THE CONTRACT FOR HEARING EXAMINER SERVICES WITH PHIL OLBRECHTS & ASSOCIATES. MOTION CARRIED UNANIMOUSLY.

Councilmember Teitzel referred to Item 3, Term of Agreement, and asked what protections were in place to prevent the agreement from lapsing in 2019 without another agreement in place. Ms. Hope said there was no 100% guarantee that no oversight will ever occur in any contract or professional service agreement. However, that generally does not occur and checks and balances have been put into place whereby an annual report is provided regarding agreements due to expire.

8. MAYOR'S COMMENTS

Mayor Earling referred to a letter forwarded to the Council regarding the Sound Transit 3 process. He requested the Council authorize Council President Johnson to sign the letter supporting moving ahead with ST3, specifically identifying the alignment through the Paine Field industrial area. With the increase in jobs in that area and the projected growth to 100,000 jobs in the not too distant future, it is the best approach. All three members of Sound Transit Board agree and are advocating for that as part of the system.

Councilmember Mesaros thanked Mayor Earling for forwarding Councilmembers the letter. He represents Edmonds on the SeaShore Transportation Forum which often discusses transportation from cities north of Seattle to the south. He supported this effort for transit north through Paine Field instead of along the I-5 corridor and busing them to Paine Field.

Councilmember Fraley-Monillas asked whether the alignment would serve Boeing in addition to the industrial area of Paine Field. Mayor Earling answered Boeing is part of the industrial area. Councilmember Fraley-Monillas commented transit for Boeing employees would help resolve traffic issue on I-5.

Councilmember Teitzel asked whether the alignment would be north to Boeing and then to Everett. Mayor Earling explained as recommended the alignment would be to Paine Field industrial area, then back to I-5 and north.

Council President Johnson asked Mayor Earling's position on extending the alignment to Everett Community College. Mayor Earling answered there are a number of potential variables for the alignment. For example several stations planned headed north; some cities will be eliminating those stations. There will need to be ways identified to save money and it will be expensive to get to Everett. One of the potential extensions is from the Everett station to Everett Community College; it is unknown whether that will be approved and how the cost will impact the plan to reach downtown Everett.

Councilmember Mesaros recalled the Seashore Transportation Forum's recommendation was to extend transit to serve to the community college, recognizing that depended on financial resources. He said there is strong support for the alignment to the industrial area and terminating at the community college. Mayor Earling advised if not light rail, potential alternatives will be considered such as interim bus service between the station and the college.

Councilmember Fraley-Monillas asked what year this was projected to be completed. Mayor Earling said decisions include how far to go with the money available; there are 15, 20 and 25-year proposals. Sound Transit's financial analysis will determine how far the alignment can go should a ballot measure be approved. Councilmember Fraley-Monillas observed this is potentially a 25-year plan. Mayor Earling agreed.

COUNCILMEMBER MESAROS MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO AUTHORIZE MAYOR EARLING AND COUNCIL PRESIDENT JOHNSON TO SIGN THE LETTER REGARDING SOUND TRANSIT 3.

9. COUNCIL COMMENTS

Council President Johnson advised committee reports will be scheduled on the agenda of the last Council meeting of the month.

Councilmember Tibbott reported he along with Councilmember Fraley-Monillas and Council President Johnson met with ACE this week. It was a great opportunity to hear their point of view on a number of issues. He encouraged other community groups to invite Councilmembers to attend their meetings to hear Councilmembers' point of view as well as provide Councilmembers an opportunity to learn about their group. He found it very efficient way for Councilmembers to be in touch with community groups in the City. He appreciated ACE's invitation and hoped other Councilmembers would take advantage of similar opportunities.

Councilmember Mesaros commented it was a sad day in the Puget Sound region on Sunday as fans witnessed the failed comeback [Seahawks versus Panthers NFC Championship game]. He reported the good news is catchers and pitchers report in the next four weeks in Arizona, a new opportunity to support local sport teams. He reported both the UW men's and women's basketball teams are doing very well.

Councilmember Teitzel reported he fully enjoyed the second half of Sunday's game.

Councilmember Buckshnis announced WRIA 8's Salmon Recovery Summit on February 4 at Magnuson Park.

In response to Councilmember Tibbott's comments, Councilmember Fraley-Monillas advised most Councilmembers meet with community organizations when asked, usually alone. She agreed it was a good way to get to know the community. She congratulated Council President Johnson for scheduling an 1 hour 15 minute agenda; when she was Council President, agendas were often 3 hours.

Councilmember Nelson announced the Edmonds Waterfront Access Study Open House Wednesday, January 27, from 4:00 to 7:30 p.m. in the Edmond Library Plaza room. The open house will include options being considered, next steps in the screening process and an opportunity to hear the public's thoughts on the criteria used to compare options.

Mayor Earling reminded of the Snohomish County Cities meeting on Thursday in Mill Creek.

10. **CONVENE IN EXECUTIVE SESSION REGARDING PENDING OR POTENTIAL LITIGATION
PER RCW 42.30.110(1)(i)**

This item was not needed.

11. **RECONVENE IN OPEN SESSION. POTENTIAL ACTION AS A RESULT OF MEETING IN
EXECUTIVE SESSION**

This item was not needed.

12. **ADJOURN**

With no further business, the Council meeting was adjourned at 8:31 p.m.